

REMARKS

As indicated in the Interview Summary dated August 17, 2010, the Examiner indicated that the outstanding rejections would likely be withdrawn if Claim 5 was amended to recite an image capturing mode and a reproduction mode, and the ability to capture in the reproduction mode. In response, Applicants representative sent to the Examiner for his review a new claim, Claim 77, reciting many of the features of Claim 5, while also reciting an imaging mode and a reproduction mode, and the performing of a key-image capture operation in the reproduction mode. In a brief follow-up telephone conversation, the Examiner indicated that replacing Claim 5 with Claim 77 would likely result in the withdrawal of the outstanding rejections.

As a result, this Supplemental Amendment is being filed to replace Claim 5 with Claim 77. More specifically, as a supplement to the Amendment filed on June 29, 2010, Applicants have canceled Claim 5 without prejudice, added new Claim 77, and amended dependent Claim 6-8, 11, 12, 20, and 74 -76 to depend from and to be consistent with new Claim 77. Accordingly, Claims 6-12, and 20-77 are pending. Claims 21-73 are withdrawn from consideration. Claims 21, 22, 24, 26, 30, 38, 40-42, 44-47, 59, 67, 68, 70-73, and 77 are independent. Support for Claim 77 can be found in the original disclosure, for example, in Figs. 4-9 and the accompanying description, and therefore, no new matter has been added.

Claim Rejections

Claims 5, 8, 10, 20 and 74-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0162523 (Darrell et al.) in view of

U.S. Patent Publication No. 2001/0012064 (Kubo). Claims 5, 7-9, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0032070 (Teicher) in view of Kubo. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Teicher in view of Kubo, and further in view of U.S. Patent Publication No. 2002/0180873 (Misawa).

In response, while not conceding the propriety of the rejections, independent Claim 5 has been canceled without prejudice and new Claim 77 has been added. Applicants submit that new Claim 77 is allowable for the following reasons.

Claim 77 relates to a digital camera operable in an imaging mode and a reproduction mode, comprising a capturing unit that captures a subject image, a storing unit that stores the subject image captured by the capturing unit on a storage medium, a retrieving unit that performs a retrieval operation of an image from the subject image stored on the storage medium, a plurality of input elements by which a user inputs instructions to the digital camera, and a user-operable mode setting unit setting one of the imaging mode and the reproduction mode. When the mode setting unit sets the imaging mode, the capturing unit sets the subject image as a generic image to be retrieved or a key image to be used as a retrieval key for a retrieval operation, depending on the instructions received from the user operating at least one of the input elements.

In addition, when the mode setting unit sets the reproduction mode: the results of the retrieval operation performed in the imaging mode are automatically displayed on a display unit; a key-image capture operation is performed with the capturing unit in response instructions received from the user operating at least one of the input elements,

and a new retrieval operation is performed with the retrieval unit in response to instructions received from the user operating at least one of the input elements; and a key-image-selection operation is performed with the retrieval unit in response instructions received from the user operating at least one of the input elements, so that key images stored in the storing unit are displayed on the display unit and a user can select one of the displayed images as a new key image by the user operating at least one of the input elements.

In contrast, the citations to Darrell et al., Kubo, and Teicher are not understood to disclose or suggest that when the mode setting unit sets the reproduction mode: the results of the retrieval operation performed in the imaging mode are automatically displayed on a display unit; a key-image capture operation is performed with the capturing unit in response instructions received from the user operating at least one of the input elements, and a new retrieval operation is performed with the retrieval unit in response to instructions received from the user operating at least one of the input elements; and a key-image-selection operation is performed with the retrieval unit in response instructions received from the user operating at least one of the input elements, so that key images stored in the storing unit are displayed on the display unit and a user can select one of the displayed images as a new key image by the user operating at least one of the input elements, as recited by Claim 77.

Since Claim 77 is understood to recite at least one feature not disclosed or suggested by the citations to Darrell et al., Kubo, and Teicher, Applicants submit that Claim 77 is allowable over this art. Therefore, Applicants respectfully request that Claim 77 be allowed.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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